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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-ninth session

SUMMARY RECORD OF THE 1156th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 5 August 1996, at 10.30 a.m.

Chairman: Mr. BANTON

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The meeting was called to order at 10.30 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the forty-ninth session of the Committee on the Elimination of Racial Discrimination.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda)

2. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the provisional agenda as contained in document CERD/C/305.

3. It was so decided.

REPORT OF THE CHAIRMAN (agenda item 2)

4. The CHAIRMAN, reporting on developments since the Committee's last session, said that the Committee's concluding observations adopted at the forty-eighth session (CERD/C/304 and Add.1-9) had attracted the attention of the press in the reporting countries. In connection with the concluding observations on Denmark, Den Danske Forening had written to ask under which paragraphs of the Convention it was considered illegal to argue for the repatriation of immigrants and refugees. A reply had been sent to the effect that Denmark had enacted legislation to meet Convention obligations and that the Committee had recommended that the Danish authorities should take action if either the licence to broadcast or the use of the telephone service in question led to any breach of the law.

5. He drew the Committee's attention to a set of documents which constitute a single report on United Nations action concerning Rwanda which would be made available to interested Committee members.

6. At a joint meeting with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, it had been agreed that the two Bureaux would meet during the current session to review developments in connection with the Third Decade to Combat Racism and Racial Discrimination.

7. In the light of the discussions at the 1155th meeting on the allocation of time to the consideration of reports, the Committee might agree that substantial time be allocated to initial reports, that more time be allocated to comprehensive periodic reports than to updates and that more time be given to States which had much to report or about which the Committee had expressed concern than to States for which questions of racial discrimination were rarely raised. It might also agree that reports should continue to be considered in the order in which they were received, but that priority should be given to any States whose reports were overdue and, lastly, that less time should be allocated to first-round reviews than to periodic reports, while second-round reviews should be taken formally, as at the forty-eighth session. Country rapporteurs might not be needed for second-round reviews unless there was some indication that the State in question intended to be present or had substantive new material, or where there were good reasons for thinking that there would be substantive new material.

8. The question of time-limits for statements entailed consultations with State representatives and country rapporteurs. He therefore proposed that for each initial report, the Chairman, Rapporteur and Secretary should prepare proposals about timetabling. For periodic reports, the mission or delegation of the reporting State should be consulted in advance as to the best way of fitting their report into the Committee's overall timetable. The country rapporteur should consult with the Chairman if more than 20 minutes were deemed necessary to open consideration of the report. When the country rapporteur had spoken, the Chairman, after ascertaining the number of speakers, should divide the available time between them. He recalled that, at the Committee's 1155th meeting, members had in general favoured a 10 minute limit.

9. At the Committee's thirty-third session in New York, there had been general agreement that, provided the member who opened consideration welcomed State representatives and congratulated the reporting State where appropriate, it was unnecessary for other members to repeat those courtesies.

10. Members were asked to reflect on those suggestions and pass on their views to the Bureau so that a recommendation to the Committee could be formulated.

11. The periodic reports from Cambodia and Pakistan would not be considered at the current session for timetabling reasons.

12. The Committee had to date received no reply to its message to the Government of Georgia asking for information on the new Minorities Law to be included in its overdue initial report. A further reminder could be sent if the Committee so wished.

13. At its 1155th meeting, the Committee had asked for a list of non-self-governing territories administered by States parties. The question would be considered more fully at its fiftieth session.

14. Letters had been sent out to introduce Committee members who had agreed to liaise with other institutions, and the Bureau would discuss that matter and the representation of CERD's views at the 7th meeting of Chairpersons of Treaty Bodies in September 1996. Members were invited to communicate their views to Bureau members.

15. He suggested that it might be more convenient if the information contained in the provisional agenda with its annotations, in the proposed programme of work and in the list of country rapporteurs, could be consolidated in a single document. Members were accordingly invited to pass on their views in that respect to members of the Bureau.

16. An E-mail facility, EWNET, had been established by the Prevention/Early Warning Unit of the Centre for Refugee Studies at York University, Ontario and was available to persons interested in early warning.

TRIBUTE TO THE MEMORY OF GEORGE LAMPTEY

17. The CHAIRMAN said that news had been received of the death in May 1996 of Mr. George Lamptey. He had written to Mrs. Lamptey conveying the Committee's condolences.

18. At the invitation of the Chairman, members of the Committee observed a minute of silence in tribute to the memory of George Lamptey.

19. Mr. ABOUL-NASR welcomed the idea of a Chairman's report on a regular basis and expressed his appreciation for the letter to Mrs. Lamptey. The many interesting suggestions put forward by the Chairman with a view to greater efficiency required careful consideration and might therefore be discussed at a later stage.

20. Mr. DIACONU expressed concern that the Chairman's reply to Denmark did not address the situation in the country itself as much as a question raised by Den Danske Forening. NGOs in Denmark always reacted strongly to criticism of the country from outside. Furthermore, Denmark like a number of other western countries, had not fully complied with the provisions of article 4 of the Convention.

21. The CHAIRMAN said that he was confident that a reading of the letter received from Den Danske Forening, which would be made available to Mr. Diaconu, would remove any concerns about his reply.

22. Mr. GARVALOV agreed that the Chairman's report was useful, but that more time was needed for reflection.

23. With regard to the allocation of time, he said that State reports and reporting differed considerably, some involving less discussion than others, irrespective of whether they were initial or periodic, and should be considered accordingly. The Committee should not be bound by hard and fast rules designed to limit discussion when general interest was generated. A number of overdue reports were to be discussed at the present session and more time should be allocated to those discussions.

24. Mr. WOLFRUM associated himself with the views of previous speakers with regard to the Chairman's report and proposed time-limits. The Committee's discussions with States parties should develop in a responsive way from the answers to questions raised.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3)

25. Mr. HUSBANDS (Secretary of the Committee) informed the Committee that there had been altogether five requests for postponement of consideration of States parties' reports or of the situation in States whose reports were overdue. Two - from Panama and Guatemala, which had already submitted reports - had been conveyed in the form of notes verbales. His understanding was that the Governments concerned wished to send experts from their respective capitals and that that would be easier to arrange for the March 1997 session. There had been two other formal requests for postponement, one from Gabon, by letter, and one from the Bahamas, by fax.

Lastly, it had emerged from a discussion with the Ambassador of Lebanon that a representative of that country would be requesting postponement of the Committee's consideration of the situation in that State party.

26. The CHAIRMAN, drawing attention to the proposed programme of work, said that consideration of the Committee's early warning and urgent procedures, which had been scheduled for 14 August and subsequent days, might be brought forward if members so wished, in view of the changes in the timetable for consideration of reports following the requested postponements.

27. Mr. SHAHI, referring to the Committee's early warning and urgent procedures, expressed alarm at reports in the press and elsewhere about an impending genocide in Burundi along the lines of the events in Rwanda. Conscious though it was of its own limitations in dealing with such situations of massive-scale violence, the Committee owed it to itself to do everything it could to prevent them from erupting. There was a danger of doing too little, too late. Before the Committee could take any action in the matter, however, it must be accurately informed both of developments on the ground and of the action taken and positions adopted by the two main competent United Nations authorities - the Security Council and the Secretary-General. He asked whether the secretariat could enlighten the Committee in that respect and about any developments such as the deployment of an international peace force.

28. The CHAIRMAN said that inquiries would be made; he was informed by the secretariat that a written reply to Mr. Shahi's questions could be expected by the following Wednesday.

29. Mr. de GOUTTES said he shared Mr. Shahi's view about the alarming situation developing in Burundi, and also in other parts of the world. He would be in favour of an early discussion of the item concerning early warning and urgent procedures, particularly since, as the Committee member responsible for liaison with the High Commissioner for Human Rights, he would be meeting the High Commissioner the following evening and wished to convey to him the Committee's views on the most important topics for discussion. He had drawn up a tentative list, with Burundi as the top priority; it further included the situation in the former Yugoslavia, with special reference to the former Yugoslav Republic of Macedonia and to Croatia, and also Papua New Guinea and Liberia.

30. On a procedural issue, he drew attention to paragraph 6 of the informal note to the Chairman by the secretariat referring to the difficulties in translating any country reports exceeding 32 pages into all the working languages. That meant no doubt that they would be produced in English. His position, which was the French position, upheld the principle of the use of French as an official and working language. He was aware of the budget difficulties, but it was a matter that warranted further discussion. In particular, country rapporteurs designated by the Committee must be availed of the relevant country report in their own working language.

31. Mr. WOLFRUM said that it was the Committee's mandate, and indeed obligation, to consider the situation in Burundi as soon as possible. The question of Burundi and the involvement of the High Commissioner for Human

Rights there would be the focus of Mr. de Gouttes' meeting with the High Commissioner. He agreed with Mr. Shahi about the need for the Committee to b informed about the Security Council's intentions, but expressed doubt about its willingness to act. The Committee should receive the necessary information without delay and, with all the facts to hand, appeal to the Security Council to take action.

32. On another matter, he noted that the list of documents available in secretariat files contained a number of errors in respect of country rapporteurs.

33. Mr. SHERIFIS, referring to the organizational matters mentioned in the Chairman's report, particularly regarding the proposed ways in which the Committee might better cope with its workload, said that the Committee should give further consideration to the possibility of lengthened sessions and perhaps agree on a position. The Chairman's proposals concerning the relativ length of time to be spent on different kinds of report needed further study, but flexibility should be the order of the day. He agreed that there was no need to appoint country rapporteurs for second-round reviews.

34. The situation in Burundi was a matter of paramount concern to the Committee and should be considered before the end of the first week of the session. He hoped that the information provided to the Committee would include a copy of a United Nations report on Burundi dated 18 July 1996 which had been referred to in the international press. He asked whether the Committee might be informed orally about the situation in Burundi by a member of the secretariat.

35. The CHAIRMAN said that he had anticipated a discussion on the Committee programme of work at the opening meeting, to give members an opportunity to raise the question of the application of the Convention in any State party other than those for which time had officially been set aside in the timetable.

36. Mr. ABOUL-NASR said that the Committee should begin its consideration of emergency situations and early warning procedures as soon as possible. Burundi was not the only problem; there were many other countries which gave cause for concern. It would be most valuable to have a briefing from the High Commissioner for Human Rights describing what he had done to deal with those situations and the action he expected from the Committee.

37. Mr. GARVALOV agreed that the Committee should consider the situation in Burundi and similar cases as soon as possible. The Committee was morally bound to react to such situations and should make its voice heard, even if it was only to issue an appeal for moderation.

38. Mr. YUTZIS said that the Committee should obtain as much written information on the situation in Burundi as possible. It should also invite the High Commissioner for Human Rights and representatives of other specialized structures within the Centre for Human Rights to provide oral statements on their activities.

39. Mr. RECHETOV said that the High Commissioner for Human Rights should be encouraged to tell the Committee what action he had taken and say what he thought were currently the most dangerous situations in the world. That would help the Committee to decide what its own priorities should be and how it could best support the High Commissioner's efforts.

40. Mr. SHERIFIS noted that the High Commissioner was due to address the Committee the next morning, which would give members the opportunity to raise specific issues of concern. He hoped that the High Commissioner would be able to spend enough time with the Committee to debate fully all matters of mutual interest.

41. Mr. van BOVEN said that the set of documents which had been sent to him was incomplete. A set of documents had been provided for each member in the meeting room, but he would like to know whether he was allowed to take them away for study outside meeting hours. In the past, copies of individual documents had been available at the back of the room, but it appeared that they were no longer provided. Where could he obtain the documents he needed?

42. Mrs. SADIQ ALI said that she had received a fax telling her to expect a number of books, which had never actually arrived.

43. Mr. HUSBANDS (Secretary) said that the number of documents issued had been kept to a minimum for reasons of economy. The summary records of previous sessions were available for consultation in the meeting room; members had not been issued with their own copies. He apologised to Mr. Wolfrum for any mistakes which might have been made in the list of documents available in secretariat reference files.

44. Each member had three folders of documents. The first, in a blue cover, contained basic reference documents such as the text of the Convention and the Committee's rules of procedure. The second folder, in a black cover, contained documents relevant to the report to be considered during the current session, namely the core report of the State party concerned, the report under consideration, previous reports and the Committee's previous concluding observations. If any of those reports were missing from members' personal sets of documents, it was probably because they had not been issued by the time the documents had been dispatched. The third folder, in a grey cover, contained other relevant documents, including the provisional agenda and the proposed programme of work. It also contained information about those States to be considered by the Committee under its emergency and early warning procedures, including Burundi. More information held by the secretariat was available for consultation in the meeting room.

45. Members could take documents from the three files away from the meeting room for study outside meeting hours, and could take them home at the end of the session, with the exception of the blue file of basic reference documents. They could also order copies of individual documents from the documents service at door 40.

46. The CHAIRMAN asked the members of the Committee if there were States, other than those listed in the programme of work, that they wished to deal with under agenda item 4 on early warning and urgent procedures.

47. Mr. ABOUL-NASR, supported by Mr. GARVALOV, urged the adoption of a general recommendation or decision covering early warning and urgent procedures whereby the Committee could express alarm at human rights violations and genocide in various areas of the world and call on interested bodies such as the Security Council and non-governmental organizations (NGOs) to work towards a solution. Individual situations could be dealt with in greater detail whenever necessary, preferably on the basis of information from the High Commissioner for Human Rights, who acted as a focal point for information from a host of bodies and could thus provide an overall picture of a given situation of concern to the Committee.

48. Mr. SHERIFIS said that the question of a general recommendation had been discussed at the forty-eighth session when it had been decided that a draft general recommendation would be submitted for consideration and adoption at the forty-ninth session. The general recommendation would refer only to human rights violations covered by the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and would in no way seek to give the Committee responsibilities that lay elsewhere, for example with the Security Council.

49. The CHAIRMAN suggested that the Committee should compile a report on the expediency of early warning and urgent procedures in the light of situations around the world since 1994.

50. Mr. de GOUTTES agreed that a general recommendation should be drafted and adopted, that the value of the Committee's innovative early warning and urgent procedures should be emphasized and that the High Commissioner for Human Rights should address the Committee as soon as possible.

51. Mr. van BOVEN said that the general recommendation should emphasize the particular contribution the Committee could make, and be careful not to encroach upon the responsibilities or assume the role of other bodies such as the Security Council or the Commission on Human Rights.

52. The High Commissioner for Human Rights, as the person responsible for gathering, channelling and coordinating information of relevance to the work of the Committee, was an essential partner in its activities and in its decisions on where early warning and urgent procedures were warranted.

53. The work of the country rapporteurs for second-round reviews was valuable for the Committee's consideration of human rights situations in States parties and should continue.

54. Mr. WOLFRUM agreed that the information provided by country rapporteurs on second-round reviews was extremely useful in that it gave the rest of the members of the Committee information that they would not have time, or would find it very difficult, to obtain themselves.

The meeting rose at 12.35 p.m.